

BAY DELTA CONSERVATION PLAN
Deputy Administrator Bob Perciasepe
Meeting with Westlands Water District
July 10, 2014

Attendees:

Tom Birmingham, General Manager, Westlands Water District
Roger R. Martella, Sidley Austin (Former EPA General Counsel)
Catherine Karen, Sidley Austin (Former EPA OCIR)

Background

You and Bob Sussman met with Tom Birmingham, et. al. a year or more ago. He also met with Nancy Stoner several months before that.

Sidley Austin wants to have Tom Birmingham **not** come in and just complain about what they think our issues are with the BDCP documents. However, Sidley articulated some concerns that we believe have already been resolved in the past; for example, our concern regarding the range of alternatives, the Purpose and Needs Statement, and revising and recirculating the draft (different than agreeing publicly to do a supplemental EIR/EIS). Not sure if they just have old information or some are still clinging to what we have raised in the past.

They want Tom to come in and reiterate their commitment to dual goals of the BDCP (Delta Ecosystem restoration and sustainable water supply) and to discuss the commitment from the Administration on meeting those goals.

A short list of EPA's Top Level Concerns with BDCP and EIR/EIS

- Implementation of the BDCP would result in diminished freshwater flows through the Delta, which would cause or exacerbate:
 - Potentially permanent violations of water quality standards (EC, salinity, possibly others);
 - Adverse effects on existing beneficial uses, such as municipal water supply, agricultural water supply, and protection of aquatic life;
 - Potentially permanent degradation of habitat conditions for aquatic life, precluding recovery of endangered fish populations and restoration of the estuarine ecosystem.
- The DEIS is:
 - Extremely cumbersome (comprising 34,000 pages) and confusing;
 - Inconsistent in its analysis of the alternatives;
 - Full of unsupported conclusions about impacts; and
 - Overly optimistic in the face of significant uncertainty regarding potential performance of the proposed tunnels and the viability of the proposed habitat restoration projects.

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